

Message Text

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TO AMEMBASSY BUENOS AIRES

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SUBJECT: TEXT OF HARKIN AMENDMENT

REF: B.A. 6368

THE HARKIN AMENDMENT IS CONTAINED IN PUBLIC LAW 94-302 WHICH WAS ENACTED ON MAY 31, 1976. IT IS "AN ACT TO PROVIDE FOR INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTER-AMERICAN DEVELOPMENT BANK, TO PROVIDE FOR THE ENTRY OF NONREGIONAL MEMBERS AND THE BAHAMAS AND GUYANA IN THE INTER-AMERICAN DEVELOPMENT BANK, TO PROVIDE FOR THE PARTICIPATION OF THE UNITED STATES IN THE AFRICAN DEVELOPMENT FUND, AND FOR OTHER PURPOSES." TITLE I OF THE ACT IS ENTITLED "INTER-AMERICAN DEVELOPMENT BANK." SECTION 28 READS AS FOLLOWS:

"SEC. 28. (A) THE UNITED STATES EXECUTIVE DIRECTOR OF THE BANK IS AUTHORIZED AND DIRECTED TO VOTE AGAINST ANY LOAN, ANY EXTENSION OF FINANCIAL ASSISTANCE, OR ANY TECHNICAL ASSISTANCE TO ANY COUNTRY WHICH ENGAGES IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, INCLUDING TORTURE OR CRUEL, UNCLASSIFIED

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INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT, PROLONGED

DETENTION WITHOUT CHARGES, OR OTHER FLAGRANT DENIAL

OF THE RIGHT TO LIFE, LIBERTY, AND THE SECURITY OF PERSON,
UNLESS SUCH ASSISTANCE WILL DIRECTLY BENEFIT THE NEEDY
PEOPLE IN SUCH COUNTRY.

"(B) IN DETERMINING WHETHER THIS STANDARD IS BEING MET
WITH REGARD TO ACTIVITIES OF THE INTER-AMERICAN DEVELOPMENT
BANK, THE COMMITTEE ON FOREIGN RELATIONS OF THE SENATE OR
THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS, OR THE
HOUSE COMMITTEE ON BANKING, CURRENCY AND HOUSING, MAY
REQUIRE THE UNITED STATES GOVERNOR OF THE BANK TO SUBMIT
IN WRITING INFORMATION DEMONSTRATING THAT SUCH LOAN OR
ASSISTANCE WILL DIRECTLY BENEFIT THOSE PERSONS IN SUCH
COUNTRY TO WHICH SUCH LOAN OR ASSISTANCE IS SUPPOSED TO
BE DIRECTED, TOGETHER WITH A DETAILED EXPLANATION OF THE
ASSISTANCE TO BE PROVIDED (INCLUDING THE DOLLAR AMOUNTS OF
SUCH ASSISTANCE) AND AN EXPLANATION OF HOW SUCH ASSISTANCE
WILL DIRECTLY BENEFIT SUCH PERSONS IN SUCH COUNTRY.

"(C) IN DETERMINING WHETHER OR NOT A COUNTRY FALLS
WITHIN THE PROVISIONS OF SUBSECTION (A), THE SENATE
COMMITTEE ON FOREIGN RELATIONS AND THE HOUSE COMMITTEE
ON INTERNATIONAL RELATIONS AND THE HOUSE COMMITTEE ON
BANKING, CURRENCY AND HOUSING SHALL GIVE CONSIDERATION TO
THE EXTENT OF COOPERATION OF SUCH COUNTRY IN PERMITTING
AN UNIMPEDED INVESTIGATION OF ALLEGED VIOLATIONS OF
INTERNATIONALLY RECOGNIZED HUMAN RIGHTS BY APPROPRIATE
INTERNATIONAL ORGANIZATIONS, INCLUDING THE INTERNATIONAL
COMMITTEE OF THE RED CROSS, OR GROUPS OR PERSONS ACTING
UNDER THE AUTHORITY OF THE UNITED NATIONS OR OF THE
ORGANIZATION OF AMERICAN STATES.". KISSINGER

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